

**UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

No. 05-2216  
DC No. 05-10398

NANCY ESPERANZA MATIZ  
Petitioner - Appellant

v.

~~M. RIVERA~~, Warden  
Respondent - Appellee

CERTIFIED COPY

I HEREBY CERTIFY THIS DOCUMENT  
IS A TRUE AND CORRECT COPY OF  
THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By: 

Date: 9/7/05

**ORDER OF COURT**

**Entered: September 7, 2005**

Appellant has filed an application to proceed without prepayment of fees and affidavit in this court with prison trust account information, which we transmit to the district court for action. Fed. R. App. P. 24(a). Copies of the district court's ruling shall be forwarded to this court. The district court, if it denies the motion, is requested to state its reasons in writing. Fed. R. App. P. 24(a)(2). If defendant-appellant is not granted in forma pauperis status by the district court, he may file a motion to proceed in forma pauperis in this court, provided that he do so in accordance with Fed. R. App. P. 24(b).

Appellant's request for appointment of counsel is denied without prejudice to refile after fee status is determined.

By the Court:

Richard Cushing Donovan, Clerk

**MARGARET CARTER**

By: \_\_\_\_\_

Chief Deputy Clerk

cc: Nancy Esperanza Matiz  
Michael J. Sullivan, USA

certified copies: Honorable Mark L. Wolf and Ms. Sarah Thorton, U.S. District Court  
for the District of Massachusetts.

## United States District Court

DISTRICT OF

M. RIVERA (Warden)  
Plaintiff

V.

NANCY ESPERANZA MATIZ  
Defendant

APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF  
FEES AND AFFIDAVIT

District Court No: C.A 05-10398MLW  
CASE NUMBER: Appellate no: 05-2216

I, NANCY ESPERANZA MATIZ declare that I am the (check appropriate box)

☒ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC. §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No" go to Part 2)

If "Yes" state the place of your incarceration FCI, TALLAHASSEE FLORIDA 32301

Are you employed at the institution? Yes Do you receive any payment from the institution? Approx. \$60.

Have the institution fill out the Certificate portion of this affidavit and attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions. YES

2. Are you currently employed? ☐ Yes ☐ No

a. If the answer is "Yes" state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

a. Business, profession or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
d. Disability or workers compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
e. Gifts or inheritances	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
f. Any other sources	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If the answer to any of the above is "Yes" describe each source of money and state the amount received and what you expect you will continue to receive. See Attached Statement of Account)

AO 240 (1/94)

4. Do you have any cash or checking or savings accounts? ☐ Yes ☒ No

If "Yes" state the total amount. \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? ☐ Yes ☒ No

If "Yes" describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF APPLICANT

### CERTIFICATE

(Incarcerated applicants only)  
(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of \$ 113.83 on account to his/her credit at (name of institution) FCI Tallahassee, FL. I further certify that the applicant has the following securities to his/her credit: \$113.83 in account

\_\_\_\_\_. I further certify that during the past six months the applicant's average <sup>monthly</sup> balance was \$ 237.88.

8/19/05  
DATE

Edith Baugh Case Manager  
SIGNATURE OF AUTHORIZED OFFICER

**Inmate Inquiry**

<b>Inmate Reg #:</b>	18492038	<b>Current Institution:</b>	Tallahassee FCI
<b>Inmate Name:</b>	MATIZ, NANCY	<b>Housing Unit:</b>	B UNIT
<b>Report Date:</b>	08/19/2005	<b>Living Quarters:</b>	G01-007L
<b>Report Time:</b>	10:53:52 AM		

[General Information](#) | [Account Balances](#) | [Commissary History](#) | [Commissary Restrictions](#) | [Comments](#)

**General Information**

Administrative Hold Indicator: No  
 No Power of Attorney: No  
 Never Waive NSF Fee: No  
 Max Allowed Deduction %: 100  
 PIN: XXXXXXXXXX  
 FRP Participation Status: Completed  
 Arrived From:  
 Transferred To:  
 Account Creation Date: 10/11/2001  
 Local Account Activation Date: 4/26/2002 2:34:54 PM  
 Sort Codes:  
 Last Account Update: 8/12/2005 5:15:21 PM  
 Account Status: Active  
 ITS Balance: \$18.70

**FRP Plan Information**

FRP Plan Type	Expected Amount	Expected Rate
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**Account Balances**

Account Balance: \$113.83  
 Pre-Release Balance: \$0.00  
 Debt Encumbrance: \$0.00  
 SPO Encumbrance: \$0.00  
 Other Encumbrances: \$0.00  
 Outstanding Negotiable Instruments: \$0.00  
 Administrative Hold Balance: \$0.00  
 Available Balance: \$113.83  
 National 6 Months Deposits: \$1,427.30  
 National 6 Months Withdrawals: \$1,326.55  
 National 6 Months Avg Daily Balance: \$47.73  
 Local Max. Balance - Prev. 30 Days: \$268.53  
 Average Balance - Prev. 30 Days: \$133.98

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## Commissary History

### Purchases

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Validation Period Purchases: \$146.70  
YTD Purchases: \$1,859.75  
Last Sales Date: 8/12/2005 5:15:21 PM

### SPO Information

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SPO's this Month: 0  
SPO \$ this Quarter: \$0.00

### Spending Limit Info

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Spending Limit Override: No  
Weekly Revalidation: No  
Spending Limit: \$290.00  
Expended Spending Limit: \$146.70  
Remaining Spending Limit: \$143.30

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## Commissary Restrictions

### Spending Limit Restrictions

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Restricted Spending Limit: \$0.00  
Restricted Expended Amount: \$0.00  
Restricted Remaining Spending Limit: \$0.00  
Restriction Start Date: N/A  
Restriction End Date: N/A

### Item Restrictions

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List Name	List Type	Start Date	End Date	Userid	Active
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## Comments

Comments:

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## Inmate Statement



<b>Inmate Reg #:</b>	18492038	<b>Current Institution:</b>	Tallahassee FCI
<b>Inmate Name:</b>	MATIZ, NANCY	<b>Housing Unit:</b>	B UNIT
<b>Report Date:</b>	08/19/2005	<b>Living Quarters:</b>	G01-007L
<b>Report Time:</b>	10:54:21 AM		

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
TAL	8/12/2005 5:15:21 PM	21			Sales	\$2.55		\$113.83
TAL	8/12/2005 5:11:21 PM	20			Sales	(\$149.25)		\$111.28
TAL	8/9/2005 8:03:16 PM	ITS0809			ITS Withdrawal	(\$8.00)		\$260.53
TAL	8/9/2005 6:34:49 AM	70138601			Lockbox - CD	\$70.00		\$268.53
TAL	8/8/2005 2:37:55 PM	JV0095			Payroll - IPP	\$49.59		\$198.53
TAL	8/5/2005 5:33:22 PM	29			Sales	(\$51.45)		\$148.94
TAL	8/5/2005 5:29:59 PM	26			Sales	\$0.00		\$200.39
TAL	7/31/2005 1:34:50 PM	ITS0731			ITS Withdrawal	(\$8.00)		\$200.39
TAL	7/30/2005 6:16:09 PM	33321405			Western Union	\$200.00		\$208.39
TAL	7/29/2005 7:24:10 PM	ITS0729			ITS Withdrawal	(\$5.00)		\$8.39
TAL	7/29/2005 6:51:07 PM	66			Sales	(\$47.00)		\$13.39
TAL	7/24/2005 11:27:01 AM	ITS0724			ITS Withdrawal	(\$5.00)		\$60.39
TAL	7/23/2005 5:30:52 AM	70137501			Lockbox - CD	\$60.00		\$65.39
TAL	7/22/2005 5:20:26 PM	33			Sales	(\$64.95)		\$5.39
TAL	7/21/2005 6:44:36 PM	ITS0721			ITS Withdrawal	(\$7.00)		\$70.34
TAL	7/15/2005 5:39:36 PM	35			Sales	(\$7.80)		\$77.34
TAL	7/15/2005 5:10:03 PM	16			Sales	(\$40.80)		\$85.14
TAL	7/15/2005 5:36:32 AM	70136901			Lockbox - CD	\$70.00		\$125.94
TAL	7/14/2005 5:03:31 PM	ITS0714			ITS Withdrawal	(\$10.00)		\$55.94
TAL	7/12/2005 10:59:36 AM	JV0087			Payroll - IPP	\$64.49		\$65.94
TAL	7/8/2005 7:20:53 PM	90			Sales	(\$68.70)		\$1.45
TAL	7/4/2005 8:05:57 PM	ITS0704			ITS Withdrawal	(\$11.00)		\$70.15
TAL	6/27/2005 5:36:02 AM	70135603			Lockbox - CD	\$75.00		\$81.15
TAL	6/26/2005 11:39:53 AM	ITS0626			ITS Withdrawal	(\$3.00)		\$6.15
TAL	6/23/2005 5:14:07 PM	25			Sales	(\$100.85)		\$9.15
TAL	6/22/2005 5:16:32 PM	33318705			Western Union	\$100.00		\$110.00
TAL	6/10/2005 6:26:40 PM	ITS0610			ITS Withdrawal	(\$10.00)		\$10.00
TAL	6/10/2005 5:28:41 PM	70			Sales	(\$100.55)		\$20.00
TAL	6/8/2005 5:43:27 AM	70134301			Lockbox - CD	\$65.00		\$120.55
TAL	6/7/2005 1:41:01 PM	JV0081			Payroll - IPP	\$51.62		\$55.55
TAL	5/22/2005 1:32:44 PM	ITS0522			ITS Withdrawal	(\$2.00)		\$3.93
TAL	5/20/2005 5:19:57 PM	9			Sales	(\$54.15)		\$5.93
TAL	5/17/2005 8:49:25 PM	ITS0517			ITS Withdrawal	(\$10.00)		\$60.08

TAL	5/14/2005 6:00:18 AM	70132701	Lockbox - CD	\$70.00	\$70.08
TAL	5/13/2005 5:17:00 PM	10	Sales	(\$30.70)	\$0.08
TAL	5/12/2005 5:13:17 PM	ITS0512	ITS Withdrawal	(\$5.00)	\$30.78
TAL	5/10/2005 12:56:02 PM	JV0069	Payroll - IPP	\$27.41	\$35.78
TAL	5/6/2005 5:02:38 PM	10	Sales	(\$28.10)	\$8.37
TAL	4/29/2005 5:31:38 PM	25	Sales	(\$64.50)	\$36.47
TAL	4/29/2005 4:46:43 PM	ITS0429	ITS Withdrawal	(\$18.00)	\$100.97
TAL	4/29/2005 11:11:31 AM	33314905	Western Union	\$100.00	\$118.97
TAL	4/24/2005 11:02:58 AM	ITS0424	ITS Withdrawal	(\$7.00)	\$18.97
TAL	4/16/2005 8:09:36 PM	ITS0416	ITS Withdrawal	(\$4.00)	\$25.97
TAL	4/15/2005 7:36:17 PM	103	Sales	(\$103.80)	\$29.97
TAL	4/12/2005 1:52:04 PM	JV0063	Payroll - IPP	\$63.01	\$133.77
TAL	4/11/2005 5:15:25 PM	ITS0411	ITS Withdrawal	(\$5.00)	\$70.76
TAL	4/11/2005 6:07:14 AM	70130203	Lockbox - CD	\$70.00	\$75.76
TAL	4/8/2005 7:57:55 PM	148	Sales	(\$24.70)	\$5.76
TAL	4/3/2005 9:30:29 PM	ITS0403	ITS Withdrawal	(\$10.00)	\$30.46
TAL	4/3/2005 1:45:14 PM	ITS0403	ITS Withdrawal	(\$10.00)	\$40.46

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Total Transactions: 109

Totals: \$111.01 \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
TAL	\$113.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$113.83
Totals:	\$113.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$113.83